

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JOHN KELL FINNEY,

Plaintiff,

v.

HUDSON FARMS, et al.,

Defendants.

Civil Action No.: 23-2537 (JXN) (JSA)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

**NEALS**, District Judge

**THIS MATTER** comes before the Court upon the Report and Recommendation (“R&R”) dated January 6, 2025, by Magistrate Judge Jessica S. Allen (“Judge Allen”) (ECF No. 22), recommending that this Court dismiss *pro se* Plaintiff John Kell Finney’s (“Plaintiff”) Amended Complaint (ECF No. 21) with prejudice consistent with the Order dated November 30, 2023 (the “November 30<sup>th</sup> Order”), (ECF No. 7 at ¶ 7).; and the parties having been advised that, pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(2), and L. Civ. R. 72.1(c)(2), they may file and serve objections within fourteen (14) days after receiving a copy of Judge Allen’s R&R; and no objections to the R&R have been received,<sup>1</sup> and the time for objections has expired; and the Court has reviewed the reasons set forth in Judge Allen’s R&R, and for good cause shown,

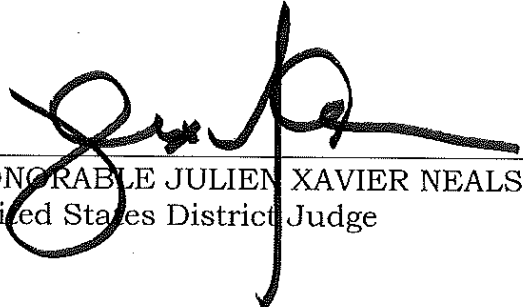
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<sup>1</sup> Since the filing of Judge Allen’s R&R, Plaintiff has filed two submissions with the Court. Specifically, Plaintiff filed a “Motion for Proposed Amended Complaint” on January 15, 2025 (*see* ECF No. 23), which was subsequently administratively terminated pending a decision from this Court on Judge Allen’s R&R (*see* ECF No.24). Then, on January 29, 2025, Plaintiff filed a “Motion [for] Default.” (*See* ECF No. 25.) The Court has reviewed Plaintiff’s submissions. First, to the extent that Plaintiff intended for one or both of these submissions to serve as an objection to Judge Allen’s R&R, neither submission identifies any portion of the R&R to which objection is made nor any specific grounds for objection. Second, Plaintiff’s proposed amended pleading (ECF No. 23) fails to remedy the deficiencies outlined in the Court’s prior Orders. (*See* ECF Nos. 7, 13, 20.) Specifically, the Court still cannot determine the specific claims or cause of action showing that Plaintiff is entitled to relief from any of the named defendants. Finally, Plaintiff’s motion for default (ECF No. 25) is procedurally improper as Plaintiff failed to request an entry of default by the Clerk of the Court in accordance with Fed. R. Civ. P. 55 and receive that entry of default prior to filing the motion for default.

**IT IS** on this 7<sup>th</sup> day of February 2025,

**ORDERED** that the R&R of Judge Allen dated January 6, 2025 (ECF No. 22), is **ADOPTED** as the conclusions of law of this Court and Plaintiffs' Amended Complaint (ECF No. 22) is hereby **DISMISSED with prejudice**; and it is further

**ORDERED** that the Clerk is directed to **CLOSE** this case.



HONORABLE JULIEN XAVIER NEALS  
United States District Judge